

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 09-00188-13-CR-W-NKL |
| |) | |
| NICHOLAS L. LATHEN, |) | |
| |) | |
| Defendant. |) | |

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant appeared before me pursuant to Fed.R.Crim.P. 11, Local Rule 72(j)(26), and 28 U.S.C. § 636 and entered a plea of guilty to Count 7 of the Superseding Indictment. I determined that the guilty plea is knowledgeable and voluntary and that the offense charged is supported by an independent basis in fact containing each of the essential elements of such offense. A record was made of the proceedings and a transcript is available. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Dated: March 24, 2010

s/ SARAH W. HAYS
SARAH W. HAYS
United States Magistrate Judge